

8.29.00.00 - DEDICATION

8.29.01.00 General

Dedication is the setting aside of property for public use without compensation as a condition prior to the granting of a building license permit, or zoning variance for land use. Where development occurs or land use changes are proposed, the local agency, through its police powers, may require dedications to set-back limits. The property owner must initiate the request that triggers the dedication. Valid dedications can be accepted throughout the project development process.

The dedication process is initiated when an owner applies to a governmental entity for an action on the part of that agency that will enhance the value of development potential of the applicant's property. Where transportation facilities are impacted by this process and a logical connection can be established between the development or land use change and a transportation project, the Department should encourage local agencies to impose reasonable dedication requirements. This process will typically involve the Department's Transportation Planning Branch, with the Right of Way office acting in a review and advisory capacity.

8.29.02.00 Dedication Guidelines

- A. Acceptance of dedicated right of way to previously established right of way limits

under this process is an exercise of police power and does not require compliance with the Uniform Relocation Assistance and Acquisition Policies Act.

- B. The value of dedicated property may not be used as a credit against the State or local agency matching share of Federal project funds.
- C. Dedications must be accepted by the Department either formally with an acceptance document or informally by using the property for transportation purposes, e.g. through the encroachment permit process.
- D. Prior to acceptance by the Department, property to be dedicated shall be subject to a hazardous waste assessment and a review of the condition of title. The acceptance document shall include the appropriate hazardous waste clauses. (See Section 8.16.00.00.)
- E. Dedications do not generally qualify under terms of Sections 104.2 and 104.12 S&H Code.

NOTES: